

Subpoenas and Court Appearances

324.1 PURPOSE AND SCOPE

This policy establishes the guidelines for office members who must appear in court. It will allow the St. Mary's County Sheriff's Office to cover any related work absences and keep the Office informed about relevant legal matters.

324.2 POLICY

St. Mary's County Sheriff's Office members will respond appropriately to all subpoenas and any other court ordered appearances.

324.3 SUBPOENAS

Only office members authorized to receive a subpoena on behalf of the office or any of its members may do so.

For procedures related to Subpoenas, see the St. Mary's County Sheriff's Office LE Procedures Manual: [Court Appearances](#)

324.3.1 SPECIAL NOTIFICATION REQUIREMENTS

- (a) Any member who is subpoenaed to testify or requested to provide information on behalf of any party other than the prosecutor shall notify his/her immediate supervisor without delay regarding:
 - 1. Any civil case where the County or one of its members, as a result of his/her official capacity, is a party.
 - 2. Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
 - 3. Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.
 - (a) If subpoenaed by the Defense in a criminal case, the employee will also notify the assigned prosecutor.
 - 4. Any civil action stemming from the member's on-duty activity or because of his/her association with the St. Mary's County Sheriff's Office.
 - (a) If the member receives service to appear in a civil matter other than through the Office of Professional Responsibilities (OPR), the employee will notify OPR and provide a copy of the summons/subpoena.
 - 5. Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the St. Mary's County Sheriff's Office.
- (b) The employee's supervisor will then notify the Office of Professional Responsibilities (OPR) supervisor. OPR should determine if additional legal support is necessary.

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- (c) No member shall provide information relating to their official duties to any party other than a prosecutor based solely on an informal request.
- (d) No member shall be retaliated against for testifying in any matter.

324.3.2 CIVIL SUBPOENA

The Office will compensate members who appear in their official capacity on civil matters arising out of their official duties, as directed by the Payroll Records policy.

324.3.3 OFF-DUTY COURT APPEARANCES

- (a) Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated by their immediate supervisors.
- (b) Members entering the St. Mary's County Circuit Courthouse or Carter Building (District Court) on private/personal business as plaintiffs, victims, witnesses, or defendants are not permitted to be armed, wear their uniform, or other insignia identifying themselves as a Sheriff's Office employee.

324.3.4 JURY DUTY

- (a) Notification - A member who is selected for jury service shall notify their supervisor of their selection without delay.
- (b) Leave Accounting - A member who serves as a member of any jury shall be granted administrative leave. If after reporting for jury duty, it is determined that the individual's services are not required and they are dismissed for the day, they shall return to their job site and work any of their regularly scheduled hours of employment.
- (c) Payment - Members that are required to serve on a jury may be given an expense allowance by the Court for parking, transportation, and meals. Members may retain these funds.
- (d) Members reporting for or serving on Jury Duty are not permitted to be armed, wear their uniform, or other insignia identifying themselves as a Sheriff's Office employee.

324.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

324.5 STANDBY

Only the States Attorney's Office (SAO) can place a member on standby. It will be the member's responsibility to ensure the SAO has appropriate contact information should the member be needed for court. Members are required to remain on standby until released by the SAO.

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324.6 COURTROOM PROTOCOL

- (a) Members must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Members shall dress in the office uniform or business attire.
- (c) Members shall observe all rules of the court in which they are appearing and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

324.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall review relevant reports and become familiar with the content to be prepared for court.

324.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated a minimum of 2 hours.